

BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Senza Lakeview Preliminary Plat

Preliminary Plat
 LUA16-000165, PP, SM

FINAL DECISION

SUMMARY

The applicant requests preliminary plat and shoreline substantial development permit approval for a 17-lot residential subdivision located at 3907 Park Ave N. The preliminary plat and shoreline permit are approved with conditions.

TESTIMONY

Clark Close, City of Renton senior planner, summarized the staff report. The applicant is requesting a preliminary plat and shoreline substantial development permit in support of a 17-lot residential subdivision. The site was annexed in 1904. The neighborhood is Kennydale. The zoning is R-6, Residential Medium Density. The zoning was updated in June 2015. The site is currently vacant. There are 40 significant trees on site. The applicant will retain 5 of the 26 required trees. There is a slope on the property. There are no critical areas on the project site. There are no wetlands or streams on or near the site. There are no unstable soils. The lots meet minimum lot size and density requirements. Lots access Park Avenue N and N. 40th street either directly or indirectly from an internal hammerhead. The site directly discharges to Lake Washington. Environmental mitigation measures are required to prevent fish from entering the outfall pipe.

1 The City received several public comments (Ex. 21-24). The City issued a SEPA Mitigated
2 Determination of Non-Significance with three mitigation measures. The proposal is compliant with
3 the Comprehensive Plan. The proposal complies within the Shoreline Master Plan for Lake
Washington Reach D. The proposal will comply as conditioned with the zoning code and applicable
development standards. Staff recommends approval with conditions.

4 Mr. Close stated Condition of Approval #4 regarding protection of the western red cedar tree requires
5 a note on the plat that prevents removal of the tree and deviates the route of the sidewalk to retain the
6 tree.

7 Condition of Approval #7 is a response to public comments. It requires a solid fence for screening for
the property owners to the south.

8 Condition of Approval #9 requires a connector path from Lake Washington Blvd. to the community's
9 open space tract.

10 Condition of Approval #10 is also in response to public comments. The intent is to discourage
11 unwanted trips to the private drive during construction of the project.

12 Condition of Approval #11 requires orientation of the houses to Lake Washington Blvd. where
13 applicable.

14 In response to the examiner Brianne Bannwarth, Development Engineering Manager, stated the
15 adopted stormwater code allows off-site release of stormwater without additional flow control within
½ mile of Lake Washington Blvd.

16 The project owner asked for reconsideration of some of the conditions of approval. He had a concern
17 about Condition No. 11, which required the homes facing Lake Washington to front Lake Washington
Boulevard. The design of the homes was going to include daylight basements. Creating front facades
18 along this area would be very challenging. They would require stairs to get in from the street. They
would already plan articulation along that area to take advantage of the views. It also changes the
19 setbacks with respect to what is the front or rear yard. He suggested Condition #11 be stricken and
replaced with a requirement to work with the City to create rear facades that provide the design
20 articulation the City desires without the need to create front facades along Lake Washington Blvd.

21 Mohammed Qaasim, neighbor, asked for clarification on Condition #11. He simply couldn't hear the
22 testimony. He also asked about the construction mitigation noise. He lives adjacent to the project.
There was a lot of dust from the demolition of the two houses. He doesn't want to experience a year
23 of dust conditions. He asked about dust and noise mitigation.

24 Scott Petett, neighbor, asked about sidewalks along 40th and a crosswalk. Mr. Close stated there is no
25 proposal to add a crosswalk on 40th Avenue and Lake Washington Blvd. There are not any in the
immediate vicinity. Mr. Close stated the City would review it. Mr. Petett also asked about the path
26 from the community open space to Lake Washington Blvd. Mr. Close stated the path will not go
through the lots. It will provide connection from the Blvd. to the community open space. The open

1 space will be the property of the homeowners association (Condition of Approval #12). Staff
2 recommends non-native plant removal (Condition of Approval #5). No other improvements are
3 recommended. Mr. Petett asked about the rails to trails conversion on Lake Washington. In response,
4 Vanessa Dolby stated there is a draft environmental impact statement from King County. There is no
5 access point planned yet, but there will be one in another planned mixed use project close by. Mr.
6 Petett also asked about street trees and building heights. Mr. Close described the trees and building
heights. Mr. Petett asked about the final finished grade. The applicant stated the goal is to balance the
site for grading purposes to minimize costs for fill/grade and retaining walls. Mr. Petett stated he was
concerned about Lots 4-6.

7 In response to the examiner, Ms. Bannwarth stated the City's policy with respect to crosswalks is to
8 minimize them on arterials with lots of traffic. They prefer to add crosswalks in areas that have ADA
9 compliant sidewalks on both sides of the road. This is not the case here. There will be a crosswalk
10 north of the site that has ADA compliant ramps and facilities on both sides. There will likely not be
one here. Ms. Bannwarth stated there are no plans that would create sidewalks on the north side of
Lake Washington Blvd.

11 Mr. Close discussed the roadway profiles for the roads in the vicinity of the project. Staff are willing
12 to support modifications to the roadway widths within the project to allow for sidewalks. With respect
13 to dust control, Mr. Close stated a single-family demolition permit has less oversight than a clear and
14 grade permit as required for this project. There will be mitigation measures to control noise and dust.
Ms. Bannwarth stated there are multiple permit requirements during the civil permitting stage to
reduce dust. The City will be more actively paying attention to this issue now that they know about
it.

15 Mr. Close spoke to Condition #11. Mr. Close stated the applicant's suggestion with respect to this
16 condition is not acceptable to the City. Instead, he argued that there should be two front elevations,
17 one along the access and one to Lake Washington Blvd.

18 The applicant stated buildout is contingent on economic conditions. They are ready to move forward
19 as soon as they civil permits are issued. He also stated two front elevations are an onerous condition.
It is unreasonable.

20 Mr. Close stated RMC 4-2-115 requires the design standard for frontages.

21 EXHIBITS

22
23 Exhibits 1-30 listed in the Exhibit List on Page 2 of the staff report, dated June 14, 2016, are
admitted. In the addition, the following exhibits were admitted during the hearing on this matter:

- 24 Exhibit 31: Staff PowerPoint
25 Exhibit 32: COR Maps
26 Exhibit 33: Google Maps

FINDINGS OF FACT

Procedural:

1. Applicant. Jamie Schroeder, CPH Consultants.
2. Hearing. The hearing for the application was held on June 14, 2016 at noon in the City of Renton Council City Chambers.

Substantive:

3. Project Description. The applicant requests preliminary plat and shoreline substantial development permit approval for a 17-lot residential subdivision located at 3907 Park Ave N. The project site is 3.83 acres in size. In addition to 17 residential lots, the applicant proposes a water quality tract and an open space tract. The proposed lots range in size from 7,000 sf to 9,531 sf with an average lot size of 7,470 sf. The plat would result in a net density of 5.3 du/ac. The project site is fronted by N 40th St to the north, Park Ave N to the east, and Lake Washington Blvd N to the west. Access to the site would be gained by a new public roadway (Road A) off of N 40th St. A shoreline substantial development permit is required because required frontage improvements along Lake Washington Blvd N are within 200 ft of Lake Washington. The site slopes generally east to west across the property at slopes ranging from 1-40% with a total fall of roughly 70 ft. The project site has or had three existing homes in various stages of being demolished. The applicant has proposed to retain five (5) of 40 significant trees onsite.

4. Surrounding Uses. The property is surrounded on all sides by single-family residences zoned at R-6. The homes to the west are on waterfront parcels on Lake Washington separated from the project site by Lake Washington Boulevard.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. Pertinent impacts are addressed as follows:

- A. Compatibility. The applicant proposes single-family development in an area that is surrounded by single-family development at a density that is similar to existing development. There are no compatibility problems associated with the proposal.

An issue of disagreement between the applicant and the City on aesthetic compatibility was staff recommended Condition No. 11, which requires the front facades of Lots 3-6 to face Lake Washington Boulevard. Design requirements can only be imposed when design standards are clear and unequivocal. See *Anderson v. Issaquah*, 70 Wn. App. 64 (1993). At the hearing staff noted that recommended Condition No. 11 is based upon RMC 4-2-115. It appears that staff was specifically referring to RMC 4-2-115(E)(3), which requires that “[f]ront doors shall face the street and be on the façade closest to the street”. “The street” in this requirement is not clear, i.e. which street? Given the ambiguity, it is fair to conclude that “the street” could be Road B, not Lake Washington Boulevard. In support of this conclusion, RMC 4-2-115(E)(3) further provides that the

front entrance must “*allow for social interaction*”. Creating a focal point for social interaction makes far more sense if it faces the persons residing within the Senza neighborhood, as opposed to those travelling past the neighborhood along Lake Washington Boulevard. RMC 4-2-115(E)(3) is ambiguous enough to be interpreted as requiring the front door to face either Road B or Lake Washington Boulevard. In the absence of any standards identifying which street is preferable, the applicant can choose which street applies. However, there is a trade-off. RMC 4-2-115(E)(3) further requires that the front doors be located “*on the façade closest to the street.*” The narrowness of Lots 3-5 appears to dictate that the garages of the homes be located closest to Road B, as depicted in the applicant’s tree retention plan, Ex. 5. If the applicant chooses to have its front doors facing Road B, the front doors will have to be located on the home facades closest to the street. Recommended Condition No. 11 will be modified accordingly for this decision.

B. Critical Areas and Vegetation Removal. The project site has steep slopes and a landslide hazard area. The applicant submitted a geotechnical report that determined that the proposal would not increase the threat of landslide hazard to adjacent properties and that no setbacks were necessary from the steep slopes of the property. See Ex. 11. Beyond critical areas and the criteria applicable to the shoreline permit, the only code requirements for protection of wildlife and its habitat at the project site are the City’s tree retention standards. The City’s tree retention standards require the retention of 30% of the significant trees at the project site. The applicant’s arborist report identified 26 protected significant trees at the project site. The applicant proposes to retain 5 of the required 8 trees. As authorized by the City’s tree retention standards, the applicant proposes to replace the remaining three required trees with 52 new trees. Staff have determined that the applicant’s tree retention plan is consistent with City standards.

C. Shoreline Ecological Function. The staff report concludes that the proposal will result in no net loss of ecological function. There being no evidence or indication to the contrary (given the nominal construction within shoreline jurisdiction) the staff conclusions are taken as verities. The only work within 200 feet of Lake Washington would be to construct minimal road widening and sidewalk improvements along project frontage of Lake Washington boulevard. The only other portion of the project within shoreline jurisdiction is at the southwest corner of the project site and is limited to an open space tract. The proposal would not have a direct impact to the shoreline because of pre-existing development, i.e. Lake Washington Boulevard N., an existing railroad tract and an existing row of waterfront homes. Cleared areas within the shoreline areas will be replanted, providing for an improvement of shoreline functions. Erosion and sediment controls implemented during construction would ensure no temporary construction impacts.

5. Adequacy of Infrastructure/Public Services. As conditioned, the project will be served by adequate/appropriate infrastructure and public services as follows:

A. Water and Sewer Service. The site is served by the City of Renton for both water and sewer.

- 1
- 2 B. Police and Fire Protection. Police and fire service would be provided by the City of Renton.
- 3 Police and fire service staff have concluded they have sufficient resources to serve the
- 4 proposal. Fire impact fees will be collected during building permit review to pay for
- 5 proportionate share fire system improvements.
- 6
- 7 C. Drainage. Preliminary drainage design conforms to the City's stormwater standards as
- 8 determined by Public Works staff. The applicant submitted a technical information report
- 9 dated February 25, 2015, Ex. 12 that outlines its preliminary drainage design and
- 10 documents compliance with City stormwater standards. The stormwater plan involves
- 11 collecting water on-site for water quality treatment and then direct discharge to the 100-
- 12 year floodplain of Lake Washington as authorized by City stormwater standards. The
- 13 City's stormwater standards, primarily adopted as the 2009 King County Surface Water
- 14 Design Manual and City amendments thereto, assures that there will be no adverse impacts
- 15 to surrounding properties caused by stormwater discharge resulting from the development.
- 16
- 17 D. Parks/Open Space. It is anticipated that the proposed development would generate future
- 18 demand on existing City parks and recreational facilities and programs. A Parks Impact
- 19 Fee, based on new single family lots, will be required in order to mitigate the proposal's
- 20 potential impacts to City parks and recreational facilities and programs. Payment of the
- 21 park impact fee will provide for adequate/appropriate park facilities. Beyond the park
- 22 impact fee, the City does not require any specific open space for R-4 subdivisions. RMC
- 23 4-2-115 does require open space for developments zoned R-10 and R-14, but these
- 24 requirements don't extend to R-6 developments. Despite the absence of any specific
- 25 requirements for open space, the applicant is proposing a 7,995 square foot open space
- 26 tract at the southwest corner of the project site. Existing vegetation and one 22-inch caliper
- western red cedar is proposed to be retained within the tract.
- E. Streets. The proposal provides for adequate/appropriate streets. City Public Works staff
- have reviewed the proposal for conformance to City street standards and have found them
- to be satisfied. As outlined at page 21 of the staff report, a number of street frontage
- improvements along the project's street frontage is required of the applicant. As noted in
- Finding of Fact No. 3, direct access will not be off Lake Washington Boulevard N but
- rather will be accomplished through a connection to N 40th St. The applicant prepared a
- traffic study, Ex. 13, and public works staff concluded from this report that the proposal
- would not adversely affect the City's street system and that the required payment of
- transportation impact fees would adequately mitigate all off-site traffic impacts.
- F. Parking. As determined by staff, sufficient area exists, on each lot, to accommodate off
- street parking for a minimum of two vehicles per dwelling unit as required by City code.

1
2 G. Schools. The proposal will be served by adequate/appropriate school facilities. It is
3 anticipated that the Renton School District can accommodate any additional students
4 generated by this proposal at the following schools: Hazelwood Elementary School,
5 McKnight Middle School and Hazen High School (Exhibit 20). Any new students
6 attending the Renton schools would be bussed. The proposed project includes the
7 installation of frontage improvements along the public street frontages, including
8 sidewalks. The designated school bus stop is at the following intersections (at or near the
9 project site): Lake Washington Blvd N/N 40th St, Park Ave N/N 40th St or Park Ave N/N
10 39th Pl. Therefore, there are safe walking routes to the school bus stops. A School Impact
11 Fee, based on new single-family lots, will be required in order to mitigate the proposal's
12 potential impacts to the Renton School District.
13
14

15 **Conclusions of Law**

- 16
17 1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall hold
18 a hearing and issue a final decision on preliminary plat applications. Shoreline substantial
19 development permits are classified by RMC 4-8-080(G) as Type II permits (subject to staff as opposed
20 to hearing examiner review), but the shoreline permit of this case has been consolidated into the
21 preliminary plat review process pursuant to RMC 4-8-080(C).
22
23 2. Zoning/Comprehensive Plan Designations. The subject property is zoned R-6 and has a
24 comprehensive plan land use designation of Residential Medium Density (RMD).
25
26 3. Review Criteria. Chapter 4-7 RMC governs the criteria for subdivision review. The criteria
for shoreline substantial development permits is set by RMC 4-9-190(B)(7), which requires
compliance with all City of Renton Shoreline Master Program ("SMP") use regulations and SMP
policies. Applicable standards are quoted below in italics and applied through corresponding
conclusions of law.

27 **Preliminary Plat**

28 **RMC 4-7-080(B):** *A subdivision shall be consistent with the following principles of acceptability:*

- 29 1. *Legal Lots: Create legal building sites, which comply with all provisions of the City Zoning Code.*
30
31 2. *Access: Establish access to a public road for each segregated parcel.*
32
33 3. *Physical Characteristics: Have suitable physical characteristics. A proposed plat may be denied
34 because of flood, inundation, or wetland conditions. Construction of protective improvements may be
35 required as a condition of approval, and such improvements shall be noted on the final plat.*
36

1 *4. Drainage: Make adequate provision for drainage ways, streets, alleys, other public ways, water*
2 *supplies and sanitary wastes.*

3 4. As to compliance with the Zoning Code, Finding 25 of the staff report is adopted by reference
4 as if set forth in full. As depicted in the plat map, Ex. 2, each proposed lot will access a public road.
5 As determined in Finding of Fact No. 5, the steep slopes and landslide hazards on the project site can
6 be safely developed. As determined in Finding of Fact No. 6, the proposal provides for adequate public
7 facilities.

8 **RMC 4-7-080(I)(1):** *...The Hearing Examiner shall assure conformance with the general purposes*
9 *of the Comprehensive Plan and adopted standards...*

10 5. The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined
11 in Finding 24 of the staff report, which is incorporated by this reference as if set forth in full.

12 **RMC 4-7-120(A):** *No plan for the replatting, subdivision, or dedication of any areas shall be*
13 *approved by the Hearing Examiner unless the streets shown therein are connected by surfaced road*
14 *or street (according to City specifications) to an existing street or highway.*

15 6. All of the internal roads of the proposed subdivision will be surfaced as required by City
16 standards and ultimately connect to N 40th St, an existing road.

17 **RMC 4-7-120(B):** *The location of all streets shall conform to any adopted plans for streets in the*
18 *City.*

19 7. The City's adopted street plans are not addressed in the staff report or anywhere else in the
20 administrative record. However, the proposal has been reviewed by the City's Public Works
21 department and it is presumed that Public Works staff would have required conformance to any
22 applicable street plans.

23 **RMC 4-7-120(C):** *If a subdivision is located in the area of an officially designed [sic] trail,*
24 *provisions shall be made for reservation of the right-of-way or for easements to the City for trail*
25 *purposes.*

26 8. The subdivision is not located in the area of an officially designated trail.

RMC 4-7-130(C): *A plat, short plat, subdivision or dedication shall be prepared in conformance*
with the following provisions:

1. Land Unsuitable for Subdivision: Land which is found to be unsuitable for subdivision includes
land with features likely to be harmful to the safety and general health of the future residents (such as
lands adversely affected by flooding, steep slopes, or rock formations). Land which the Department

1 or the Hearing Examiner considers inappropriate for subdivision shall not be subdivided unless
2 adequate safeguards are provided against these adverse conditions.

3 a. *Flooding/Inundation:* If any portion of the land within the boundary of a preliminary plat is
4 subject to flooding or inundation, that portion of the subdivision must have the approval of the State
5 according to chapter 86.16 RCW before the Department and the Hearing Examiner shall consider
6 such subdivision.

7 b. *Steep Slopes:* A plat, short plat, subdivision or dedication which would result in the creation of a
8 lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-
9 050J1a, without adequate area at lesser slopes upon which development may occur, shall not be
10 approved.

11 ...

12 3. *Land Clearing and Tree Retention:* Shall comply with RMC 4-4-130, Tree Retention and Land
13 Clearing Regulations.

14 4. *Streams:*

15 a. *Preservation:* Every reasonable effort shall be made to preserve existing streams, bodies of water,
16 and wetland areas.

17 b. *Method:* If a stream passes through any of the subject property, a plan shall be presented which
18 indicates how the stream will be preserved. The methodologies used should include an overflow
19 area, and an attempt to minimize the disturbance of the natural channel and stream bed.

20 c. *Culverting:* The piping or tunneling of water shall be discouraged and allowed only when going
21 under streets.

22 d. *Clean Water:* Every effort shall be made to keep all streams and bodies of water clear of debris
23 and pollutants.

24 9. The criterion is met. The land is suitable for a subdivision as the stormwater design assures
25 that it will not contribute to flooding and that water quality will not be adversely affected. The steep
26 slopes and landslide hazard of the project site is suitable for development as noted in Finding of Fact
No. 5 of this decision. No piping or tunneling of streams is proposed. Trees will be retained as
required by RMC 4-4-130 as determined in Finding of Fact No. 5 of this decision.

RMC 4-7-140: Approval of all subdivisions located in either single family residential or multi-family
residential zones as defined in the Zoning Code shall be contingent upon the subdivider's dedication
of land or providing fees in lieu of dedication to the City, all as necessary to mitigate the adverse

1 effects of development upon the existing park and recreation service levels. The requirements and
2 procedures for this mitigation shall be per the City of Renton Parks Mitigation Resolution.

3 10. City ordinances require the payment of park impact fees prior to building permit issuance.
4 As discussed in Finding of Fact No. 6 of this decision, no other open space or park requirements
5 apply to the proposal.

6 **RMC 4-7-150(A):** *The proposed street system shall extend and create connections between existing*
7 *streets unless otherwise approved by the Public Works Department. Prior to approving a street system*
8 *that does not extend or connect, the Reviewing Official shall find that such exception shall meet the*
9 *requirements of subsection E3 of this Section. The roadway classifications shall be as defined and*
10 *designated by the Department.*

11 11. The proposed street system connects to existing streets and provides for future connections to
12 all properties that have the potential for future connections.

13 **RMC 4-7-150(B):** *All proposed street names shall be approved by the City.*

14 12. As conditioned.

15 **RMC 4-7-150(C):** *Streets intersecting with existing or proposed public highways, major or*
16 *secondary arterials shall be held to a minimum.*

17 13. There is no intersection with a public highway or major or secondary arterial¹.

18 **RMC 4-7-150(D):** *The alignment of all streets shall be reviewed and approved by the Public Works*
19 *Department. The street standards set by RMC 4-6-060 shall apply unless otherwise approved. Street*
20 *alignment offsets of less than one hundred twenty five feet (125') are not desirable, but may be*
21 *approved by the Department upon a showing of need but only after provision of all necessary safety*
22 *measures.*

23 14. As determined in Finding of Fact 6, the Public Works Department has reviewed and approved
24 the adequacy of streets, which includes compliance with applicable street standards.

25 **RMC 4-7-150(E):**

26 *1. Grid: A grid street pattern shall be used to connect existing and new development and shall be the*
predominant street pattern in any subdivision permitted by this Section.

¹ The staff report notes that N. 40th is a collector arterial. If this is the same as a “secondary” arterial then it must be concluded that the proposed intersection is unavoidable, as the only other alternatives would be connections to Park Avenue N. or Lake Washington Boulevard, also classified as collector arterials.

1 *2. Linkages: Linkages, including streets, sidewalks, pedestrian or bike paths, shall be provided*
2 *within and between neighborhoods when they can create a continuous and interconnected network*
3 *of roads and pathways. Implementation of this requirement shall comply with Comprehensive Plan*
4 *Transportation Element Objective T-A and Policies T-9 through T-16 and Community Design*
5 *Element, Objective CD-M and Policies CD-50 and CD-60.*

6 *3. Exceptions:*

7 *a. The grid pattern may be adjusted to a “flexible grid” by reducing the number of linkages or the*
8 *alignment between roads, where the following factors are present on site:*

9 *i. Infeasible due to topographical/environmental constraints; and/or*

10 *ii. Substantial improvements are existing.*

11 *4. Connections: Prior to adoption of a complete grid street plan, reasonable connections that link*
12 *existing portions of the grid system shall be made. At a minimum, stub streets shall be required*
13 *within subdivisions to allow future connectivity.*

14 *5. Alley Access: Alley access is the preferred street pattern for all new residential development except*
15 *in the Residential Low Density land use designation (RC, R-1, and R-4 zones). All new residential*
16 *development in an area that has existing alleys shall utilize alley access. New residential development*
17 *in areas without existing alleys shall utilize alley access for interior lots. If the developer or property*
18 *owner demonstrates that alley access is not practical, the use of alleys may not be required. The City*
19 *will consider the following factors in determining whether the use of alleys is not practical:*

20 *a. Size: The new development is a short plat.*

21 *b. Topography: The topography of the site proposed for development is not conducive for an alley*
22 *configuration.*

23 *c. Environmental Impacts: The use of alleys would have more of a negative impact on the*
24 *environment than a street pattern without alleys.*

25 *d. If site characteristics allow for the effective use of alleys.*

26 *“Alleys” shall mean singular or plural in this subsection.*

6. Alternative Configurations: Offset or loop roads are the preferred alternative configurations.

7. Cul-de-Sac Streets: Cul-de-sac streets may only be permitted by the Reviewing Official where due
to demonstrable physical constraints no future connection to a larger street pattern is physically
possible.

1 15. As shown in the aerial photograph in the staff report, the project does not necessitate any new
2 grid connections, since the grid consists of a network of collector arterials and none of those arterials
3 need to pass through the project site. A stub road within the proposal provides for future connectivity
4 to the south as contemplated by the criterion above and the hammerhead on the western half of the
5 project appears to be necessary as no alternative within the configuration of the parcel appears to be
6 feasible. The staff report does not identify why alley access is not used for the proposal. Compliance
7 with the criterion above regarding alley access will be made a condition of approval. As conditioned,
8 the criterion above is met.

9 **RMC 4-7-150(F):** *All adjacent rights-of-way and new rights-of-way dedicated as part of the plat,
10 including streets, roads, and alleys, shall be graded to their full width and the pavement and sidewalks
11 shall be constructed as specified in the street standards or deferred by the Planning/Building/Public
12 Works Administrator or his/her designee.*

13 16. As proposed.

14 **RMC 4-7-150(G):** *Streets that may be extended in the event of future adjacent platting shall be
15 required to be dedicated to the plat boundary line. Extensions of greater depth than an average lot
16 shall be improved with temporary turnarounds. Dedication of a full-width boundary street shall be
17 required in certain instances to facilitate future development.*

18 17. Streets that may be extended in the event of future adjacent platting have been extended to the
19 plat boundary line as required by the criterion quoted above.

20 **RMC 4-7-170(A):** *Insofar as practical, side lot lines shall be at right angles to street lines or radial
21 to curved street lines.*

22 18. As depicted in Ex. 2, some side yard lot lines are not at right lines to street lines. The conditions
23 of approval will require that the applicant demonstrate the satisfaction of staff that right angles are not
24 practical.

25 **RMC 4-7-170(B):** *Each lot must have access to a public street or road. Access may be by private
26 access easement street per the requirements of the street standards.*

19. As previously determined, each lot has access to a public street.

RMC 4-7-170(C): *The size, shape, and orientation of lots shall meet the minimum area and width
requirements of the applicable zoning classification and shall be appropriate for the type of
development and use contemplated. Further subdivision of lots within a plat approved through the
provisions of this Chapter must be consistent with the then-current applicable maximum density
requirement as measured within the plat as a whole.*

20. As previously determined, the proposed lots comply with the zoning standards of the R-6 zone, which includes area, width and density.

RMC 4-7-170(D): *Width between side lot lines at their foremost points (i.e., the points where the side lot lines intersect with the street right-of-way line) shall not be less than eighty percent (80%) of the required lot width except in the cases of (1) pipestem lots, which shall have a minimum width of twenty feet (20') and (2) lots on a street curve or the turning circle of cul-de-sac (radial lots), which shall be a minimum of thirty five feet (35').*

21. As shown in Ex. 2, the requirement is satisfied.

RMC 4-7-170(E): *All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have minimum radius of fifteen feet (15').*

22. As conditioned.

RMC 4-7-190(A): *Due regard shall be shown to all natural features such as large trees, watercourses, and similar community assets. Such natural features should be preserved, thereby adding attractiveness and value to the property.*

23. As determined in Finding of Fact No. 5, the proposal provides for the retention of significant trees as required by the City's tree retention ordinance. There are no other natural features that can be legally required to be preserved at the site.

RMC 4-7-200(A): *Unless septic tanks are specifically approved by the Public Works Department and the King County Health Department, sanitary sewers shall be provided by the developer at no cost to the City and designed in accordance with City standards. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are available, or provided with the subdivision development.*

24. As conditioned.

RMC 4-7-200(B): *An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The drainage system shall be designed per the requirements of RMC 4-6-030, Drainage (Surface Water) Standards. The drainage system shall include detention capacity for the new street areas. Residential plats shall also include detention capacity for future development of the lots. Water quality features shall also be designed to provide capacity for the new street paving for the plat.*

25. The proposal provides for adequate drainage that is in conformance with applicable City drainage standards as determined in Finding of Fact No. 6. The City's stormwater standards, which are

1 incorporated into the technical information report and will be further implemented during civil plan
2 review, ensure compliance with all of the standards in the criterion quoted above.

3 **RMC 4-7-200(C):** *The water distribution system including the locations of fire hydrants shall be*
4 *designed and installed in accordance with City standards as defined by the Department and Fire*
5 *Department requirements.*

6 26. The details of the water distribution system and location of fire hydrants will be subject to
7 City engineering civil review as part of final plat review.

8 **RMC 4-7-200(D):** *All utilities designed to serve the subdivision shall be placed underground. Any*
9 *utilities installed in the parking strip shall be placed in such a manner and depth to permit the planting*
10 *of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service*
11 *connections, as approved by the Department. Such installation shall be completed and approved prior*
12 *to the application of any surface material. Easements may be required for the maintenance and*
13 *operation of utilities as specified by the Department.*

14 27. As conditioned.

15 **RMC 4-7-200(E):** *Any cable TV conduits shall be undergrounded at the same time as other basic*
16 *utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line*
17 *by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley*
18 *improvements when such service connections are extended to serve any building. The cost of*
19 *trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to*
20 *bring service to the development shall be borne by the developer and/or land owner. The subdivider*
21 *shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to final*
22 *ground elevation and capped. The cable TV company shall provide maps and specifications to the*
23 *subdivider and shall inspect the conduit and certify to the City that it is properly installed.*

24 28. As conditioned.

25 **RMC 4-7-210:**

26 **A. MONUMENTS:**

Concrete permanent control monuments shall be established at each and every controlling corner of
the subdivision. Interior monuments shall be located as determined by the Department. All surveys
shall be per the City of Renton surveying standards.

B. SURVEY:

All other lot corners shall be marked per the City surveying standards.

1 *C. STREET SIGNS:*

2 *The subdivider shall install all street name signs necessary in the subdivision.*

3 29. As conditioned.

4 **Shoreline Permit**

5 **RMC 4-9-190(B)(7):** *In order to be approved, the Administrator of the Department of Community*
6 *and Economic Development or designee must find that a proposal is consistent with the following*
7 *criteria:*

8 *a. All regulations of the Shoreline Master Program appropriate to the shoreline designation*
9 *and the type of use or development proposed shall be met, except those bulk and dimensional standards*
10 *that have been modified by approval of a shoreline variance.*

11 *b. All policies of the Shoreline Master Program appropriate to the shoreline area designation*
12 *and the type of use or development activity proposed shall be considered and substantial compliance*
13 *demonstrated. A reasonable proposal that cannot fully conform to these policies may be permitted,*
14 *provided it is demonstrated to the Administrator of the Department of Community and Economic*
15 *Development or designee that the proposal is clearly consistent with the overall goals, objectives and*
16 *intent of the Shoreline Master Program.*

17 *c. For projects located on Lake Washington the criteria in RCW 90.58.020 regarding*
18 *shorelines of statewide significance and relevant policies and regulations of the Shoreline Master*
19 *Program shall also be adhered to.*

20 30. The proposal meets the criterion quoted above for the reasons identified in Finding No. 28 of
21 the staff report, adopted by this reference as if set forth in full. The staff report does not directly
22 address the shoreline of statewide significance policies of RCW 90.58.020, but those policies are
23 clearly met since (1) as determined in Finding of Fact No. 5 of this decision the proposal will result in
24 no net loss of shoreline ecological function, (2) the proposal will not adversely affect navigation or
25 shoreline public access and (3) the proposal will not create any adverse impacts to the shoreline
26 environment.

21 **DECISION**


22 The preliminary plat and shoreline substantial development permit applications meet all applicable
23 permit review criteria for the reasons identified in the conclusion of law of this decision and are
24 approved, subject to the following conditions:

- 25 1. All proposed street names shall be approved by the City.
- 26 2. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have
minimum radius of fifteen feet (15').

3. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are available, or provided with the subdivision development.
4. All utilities designed to serve the subdivision shall be placed underground. Any utilities installed in the parking strip shall be placed in such a manner and depth to permit the planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the Department of Public Works. Such installation shall be completed and approved prior to the application of any surface material. Easements may be required for the maintenance and operation of utilities as specified by the Department of Public Works.
5. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line by Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or alley improvements when such service connections are extended to serve any building. The cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to bring service to the development shall be borne by the developer and/or land owner. The applicant shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to final ground elevation and capped. The cable TV company shall provide maps and specifications to the applicant and shall inspect the conduit and certify to the City that it is properly installed.
6. If it hasn't done so already, the applicant shall demonstrate to the satisfaction of staff that it is not practical to have right angled lot lines with street lines as required by RMC 4-7-170(A). In the alternative the applicant may apply for any modifications or waivers to RMC 4-7-170(A) authorized by code.
7. If it hasn't done so already, the applicant shall demonstrate to the satisfaction of staff that alley access for the proposed lots is not feasible as required by RMC 4-7-150(E)(5). In the alternative the applicant may apply for any modifications or waivers to RMC 4-7-150(E)(5) authorized by code.
8. The applicant shall comply with the mitigation measures issued as part of the Determination of Non-Significance - Mitigated, dated May 6, 2016.
9. The applicant shall demonstrate compliance with the minimum lot dimensional standards of the Residential-6 zone prior to issuance of a construction permit. A note on the face of the Final Plat shall be recorded if lot dimension averaging is utilized.
10. The applicant shall record a note on the face of the Final Plat if setback averaging is utilized.
11. The applicant shall create a dual open space and tree protection tract at the southwest corner of the plat to retain the western red cedar in perpetuity. A note to this effect shall be recorded on the face of the Plat map.

- 1 12. The applicant shall remove any invasive species and replant with native drought tolerant
2 landscaping (trees, shrubs and groundcover) within the open space tract.
- 3 13. The applicant shall cover the vault tract with landscaping. A final detailed landscape plan
4 shall be submitted to and approved by the City of Renton Project Manager prior to
5 construction permit approval.
- 6 14. The applicant shall provide a permanent six foot (6') tall fence along the south border of
7 the open space tract and Lot 6 to prevent direct access to the Easthaven Short Plat private
8 driveway. The fencing detail and location shall be identified on the final landscaping plan.
- 9 15. The applicant shall demonstrate compliance with the maximum retaining wall height
10 standards. A final detailed grading plan shall be submitted to and approved by the City of
11 Renton Project Manager prior to issuance of a construction permit. Alternatively, the
12 applicant may submit a formal request for modification to staff for consideration to deviate
13 from the retaining wall height standards of the code.
- 14 16. The applicant shall provide a pathway to connect the common open space tract to the
15 development. The pathway shall be a minimum three feet (3') in width and made of paved
16 asphalt, concrete, or porous material such as porous paving stones, crushed gravel with soil
17 stabilizers, or paving blocks with planted joints. In addition, one easily accessible amenity,
18 such as a park bench (no structures), shall be provided within the open space area. The
19 details of the amenity shall be identified on the final landscaping plan for review and
20 approval by the Current Planning Project Manager, prior to construction permit issuance.
- 21 17. The applicant install a temporary sign from grading and utility construction permit through
22 building permit occupancy that discourages unnecessary or unwarranted trips onto the
23 private drive, serving 3818, 3824, 3830, and 3836 Lake Washington Blvd N. The details
24 of the sign and location must be submitted to and approved by the City of Renton Project
25 Manager prior to issuance of a construction permit.
- 26 18. As discussed in Finding of Fact No. 5(A) of this decision, the applicant shall orient the
front façades of Lots 3-6, to Lake Washington Blvd N or Road B. The applicant shall
choose which street of the two streets is subject to this condition. As required by RMC 4-
2-115(E)(3), the front door of the homes shall be located on the façade closest to the street
adjacent to the front façade. A note to this effect shall be recorded on the face of the Plat
map.
19. The applicant shall create a Home Owners Association ("HOA") that retains or improves
the existing vegetation within the open space tract. A draft HOA document has been
submitted as part of the application. A final HOA shall be submitted to, and approved by,
the City of Renton Project Manager and the City Attorney prior to Final Plat recording.
Such documents shall be recorded concurrently with the Final Plat.

1 DATED this 4th day of July, 2016.

2 
3 Phil A. Olbrechts

4 City of Renton Hearing Examiner

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6
7 **Appeal Right and Valuation Notices**

8 RMC 4-8-080 provides that the final decision of the hearing examiner is subject to appeal to the
9 Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision
10 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A
11 request for reconsideration to the hearing examiner may also be filed within this 14 day appeal
12 period as identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). A new fourteen (14) day
13 appeal period shall commence upon the issuance of the reconsideration. Additional information
14 regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7th
15 floor, (425) 430-6510.

16 Affected property owners may request a change in valuation for property tax purposes
17 notwithstanding any program of revaluation.
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